



AGENDA
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If you have any questions about any item on this agenda or if you need more information about any item in addition to the information contained in the agenda package, please call the City Manager at 323-7412. A "Citizen Comment Sheet", that explains the procedure to address the City Council, is located on the table outside Council Chambers. We also encourage you to complete the Comment Sheet and offer any suggestions or questions you have. For more information about the City of Hickory go to: www.hickorync.gov.

Hickory City Council
76 North Center Street

December 6, 2011
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Calvin Vaughn, Unifour Christian Fellowship Church
- III. Pledge of Allegiance
- IV. Approval of Minutes:
 - A. Regular Meeting of November 15, 2011 **(Exhibit IV.A.)**
 - B. Special Meeting of November 29, 2011 **(Exhibit IV.B.)**
- V. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A. Community Appearance Grant to Mayberry Partners, LLC – Non-Residential Property Located at 910-950 Tate Boulevard, SE in the Amount of \$3,000.00 **(First Reading Vote: Unanimous)**
 - B. Landscape Grant to Ryan Lovern (Fever Properties, LLC) – Non-Residential Property Located at 3031 North Center Street (NC 127N) in the Amount of \$1,650.00 **(First Reading Vote: Unanimous)**
 - C. Memorandum of Understanding Between the City of Hickory and Catawba County Regarding the County's Voluntary Agricultural District Program **(First Reading Vote: Unanimous)**
 - D. Budget Ordinance Amendment No. 9 **(First Reading Vote: Unanimous)**
 - E. Rezoning Petition No. 11-01 – Annual Process for Minor Amendments to Hickory By Choice 2030 and the Land Development Code – Rezone 56 Properties Along Highway 321, NW, Clement Blvd., NW, and 9th Avenue, NW from CC-1 Community Commercial to C-2 General Business **(First Reading Vote: Unanimous)**
 - F. Rezoning Petition No. 11-02 – Annual Process for Minor Amendments to Hickory By Choice 2030 and the Land Development Code – Rezone Portion of 1415 and 1445 16th Street NE from R-4 Residential to NC Neighborhood Center Commercial **(First Reading Vote: Unanimous)**

- G. Rezoning Request No. 11-03 – Annual Process for Minor Amendments to Hickory By Choice 2030 and the Land Development Code – Rezone Six Properties Along the South Side of 2nd Avenue SE Between 2nd Street SE and 3rd Street SE from R-4 Residential to OI Office and Institutional **(First Reading Vote: Unanimous)**
- H. Text Amendment Petition No. 11-01 – Annual Process for Minor Amendments to Hickory By Choice 2030 and the Land Development Code – Land Development Code Article 3 (Zoning Districts), Article 4 (Overlay Districts), Article 6 (Use Regulations), Article 7 (Intensity Dimensional and Design Standards), Article 9 (Standards of General Applicability), Article 10 (Signs, Article 12 (Nonconformities), and Article 14 (Definitions) **(First Reading Vote: Unanimous)**
- VI. Oaths of Office Ceremony
- VII. Election of Mayor Pro Tempore for Calendar Year 2012 Pursuant to NC General Statutes §260A-70 and Section 2-54 of the Hickory City Code
- VIII. Appointment of a City Attorney for Calendar Year 2012 Pursuant to the Hickory City Code, Section 4.151 of the Charter
- IX. Special Presentations:
- A. Proclamation – Declaring Thursday, December 15, 2011 as Bill of Rights Day in the City of Hickory (Presentation to Cliff Moone) **(Exhibit IX.B.)**
- B. Report – Special Council Meeting Held on November 29, 2011 to Tour Downtown Development and Historic Train Depot in City of Burlington, NC
- X. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item XI.
- A. Accept and Enter Into Minutes Certification of Votes from November 8, 2011 Election From the Catawba County Board of Elections **(Exhibit X.A.)**

<i>Ward 1</i>	<i>Brad Lail</i>	<i>959</i>	<i>88.71%</i>
	<i>Write-In</i>	<i>122</i>	<i>11.29%</i>
<i>Ward 2</i>	<i>Bruce Meisner</i>	<i>968</i>	<i>88.81%</i>
	<i>Write-In</i>	<i>122</i>	<i>11.19%</i>
<i>Ward 3</i>	<i>Danny Seaver</i>	<i>947</i>	<i>89.68%</i>
	<i>Write-In</i>	<i>109</i>	<i>10.32%</i>

- B. Approval of Community Relations Council Grant Recommendations for Fall 2011 **(Exhibit X.B.)**

Agency	Project Title	Amount Requested	Amount Recommended by CRC
CVCC Foundation, Inc.	Multicultural Series	\$1,500.00	\$1,000.00
Humane Society of CC	Spanish Information Brochures	\$1,500.00	\$.00
Hickory Community Theater	"By a Black Hand" NC Black Repertory Company	\$2,000.00	\$.00

Greater Hickory Cooperative Christian Ministry	Chronic Disease Program	\$2,500.00	\$1,000.00
Women's Resource Center	Women's Life Transition Services	\$1,500.00	\$1,000.00
Clinton's Corner of Catawba Community Development Inc.	Expansion of the Mario A. Mitchell Summer and Saturday Academy (Parenting Academy)	\$1,500.00	\$1,000.00
Centro Latino (CC Hispanic Ministry)	Neighbors in Need	\$1,500.00	\$1,000.00
Council on Adolescents of Catawba County, Inc.	Health Education Resource Center	\$1,250.00	\$1,000.00
	Total requested by all agencies	\$13,250.00	
		Total recommended for funding by CRC	\$6,000.00

- C. Resolution Authorizing Preparation of Assessment Rolls and Public Hearing on Preliminary Assessment Roll for Street Improvements Petition No. 01-11 (Curb and Gutter). A petition was made on March 23, 2011, approved by City Council on April 19, 2011, and the project was completed on August 29, 2011 **(Authorize Public Hearing for December 20, 2011) (Exhibit X.C.)**
- D. Call for Public Hearing to Consider Entering Into an Economic Development Incentive Agreement With Punker, LLC In The Form of a Grant for the Creation of 80 Jobs and a City Incentive Package Totaling Approximately \$59,150.00 Over the Next Five Years **(Authorize Public Hearing for December 20, 2011) (Exhibit X.D.)**
- E. Change Order No. 6 to Contract with Pizzagalli Construction Company in the Amount of \$37,360.00 for the Northeast Wastewater Treatment Plant (NEWWTP) Upgrade Project **(Exhibit X.E.)**

The NEWWTP Upgrade Project was initiated in July, 2010 at a cost of \$21,569,382.50 for a complete upgrade of the facility. The current contract amount for this project is \$22,057,935.50 which includes previously approved Change Orders Nos. 1 – 5. This project was established with a contingency fund in order to address unforeseen expenses that may arise, and Change Order No. 6 consists of six items. The single largest items are \$11,332.00 for revisions to the SCADA control system for the proposed facility at the influent lift station and \$9,620.00 for modifications to the chlorine building that will improve safety features and air flow through the building in the event of a chlorine cylinder leak. Contract change orders total \$525,913.00, or 2.38% of the original project contract. Revised contract total to date will be \$22,095,295.50. Staff recommends approval.

- F. Acceptance of Bid and Award to Triangle Contractors, Inc. for the Moose Club Pump Station Demolition in the Amount of \$15,842.00 **(Exhibit X.F.)**

The Moose Club Pump Station serves the Cripple Creek Basin and the area in and around Glen Hilton Park. It is located adjacent to a Lakeland Park area of Northwest Hickory. The pump station is in need of exterior renovations due to a failing roof over the wet well and corresponding odor issues. The roof has also degraded to the point that it could pose a safety risk if individuals were to get inside the fenced area. While this work is being done, the Public Utilities Dept. would like to repaint the station and tear down some adjacent structures so that the site is more appealing to the neighbors. The pump station is mechanically well kept. The roof will be replaced in a separate project. This

project is not budgeted; therefore, the funds are proposed to be allocated from the Water and Sewer Fund Capital Reserve. Staff recommends approval.

- G. Acceptance of Bid and Award to Brushy Mountain Builders, Inc. for the Water Treatment Facility Bolt Replacement Project in the Amount of \$27,947.50 **(Exhibit X.G.)**

The water treatment facility was last upgraded in the early 1990's with an official startup in 1993. Components of this facility are now reaching 19 years of continuous service and require more extensive maintenance and replacement of 4,468 bolts located on the discharge pipe from the finish water filters to the clear wells. The bolts require replacement due to corrosion and the essential nature of their function to ensure reliability of the piping. This project is the first step necessary for rehabilitation of the pipe gallery including repainting of the piping and replacing some minor electrical components. The bolts/nuts/washers are being purchased separately (\$12,102.13) and provided to the contractor in order to reduce the cost of the overall project. This project is budgeted, and Staff recommends approval.

- H. Budget Ordinance Amendment No. 10 **(Exhibit X.H.)**

1. *To budget \$1,381 of Miscellaneous Revenue in the Fire Department Departmental Supply line item. These funds were received from Mountain Recycling, Inc. for the sale of salvaged metal from surplus Engine 14.*
2. *To budget a \$600,000 check from the State of North Carolina Department of Commerce (One North Carolina Fund) in the Economic and Community Development Incentives line item. This check is a first partial payment for CheckFree Services Corporation (Fiserv). The City of Hickory will disburse this money to the company and as stated in the Performance Agreement, the money will be used in accordance with Senate Bill 27, Page 247, and Section 31.*
3. *To appropriate \$15,842 of Water and Sewer Capital Reserve to the Water and Sewer Maintenance Repair of Equipment line item. This appropriation is necessary to pay Triangle Contractors, Inc. for exterior renovations to the pump station due to a falling roof over the wet well. The roof will be replaced in a separate project to follow immediately after this one. This project includes painting the station structure that has become weathered and to remove the brick structures that are no longer in use. The exterior maintenance will improve the appearance of the Moose Club Pump Station.*

- I. Grant Project Ordinance Amendment No. 5 **(Exhibit X.I.)**

1. *To budget a total of \$1,744 of Interest Income Revenue and \$1,576 of Miscellaneous Revenue in the North Carolina Housing Financing Agency and in the Consortium Home Program. This maintains a balanced budget in each of these funds.*

XI. Items Removed from Consent Agenda

XII. Informational Items

- A. Report of Alderman Hank Guess's travel to attend the CityWorks(X)po in Roanoke, VA on October 27-29, 2011 (registration - \$505.00; room - \$246.30; per diem - \$44.30) **(Exhibit XII.A.)**
- B. Report of Alderwoman Sally Fox's travel to attend the CityWorks(X)po in Roanoke, VA on October 27-29, 2011 (registration - \$505.00; room \$246.30; per diem - \$44.30) **(Exhibit XII.B.)**
- C. Report of City Manager Mick Berry's travel to attend the CityWorks(X)po in Roanoke, VA on October 27-29, 2011 (registration - \$505.00; room \$246.30; per diem - \$44.30) **(Exhibit XII.C.)**

- D. Report of Mayor Wright's travel to attend the 2011 NCLM Annual Conference in Raleigh, NC on October 24-25, 2011 (registration - \$277.00; room - \$235.65; per diem - \$34.00; mileage - \$191.40; parking - \$12.00) **(Exhibit XII.D.)**
- E. Report of Mayor Wright's travel to attend the National League of Cities Congress of Cities in Phoenix, Arizona on November 8-13, 2011 (registration - \$435.00; airfare - \$349.80; room - \$583.35; per diem - \$284.00; mileage - \$53.04) **(Exhibit XII.E.)**
- F. Report of Mayor Wright's travel to Boca Raton, Florida for an Economic Development Site Visit on November 3-4, 2011 (room - \$124.32; airfare - \$619.90; per diem - \$115.46) **(Exhibit XII.F.)**

XIII. New Business:

A. Public Hearings:

- 1. Ordinance Amending Hickory City Code Chapter 21, Section 21-13, "Use of Weapons" Regarding Firearms in City Parks **(Exhibit XIII.A.1.)**

A new state law passed in the last General Assembly Session will require the City of Hickory to amend its ordinance which bans firearms in city parks. Session Law 2011-268, which became effective December 1, 2011, amends Article 14, Chapter 14 of the General Statutes which pertains to various laws regarding the right to own, possess, or carry a firearm in North Carolina. Staff presented two concealed handgun permit ordinance options to the Parks and Recreation Commission at their November 8, 2011 meeting. The first ordinance, which Staff recommended to be endorsed by the Parks and Recreation Commission, prohibits concealed handguns in certain specified park areas. The second ordinance simply complies with state law and allows concealed handguns in all park areas. Six (6) Commission Members voted to endorse and recommend to City Council the first ordinance option. Four (4) Commission Members voted to endorse and recommend to City Council, the second ordinance option. Staff recommends approval of the local ordinance which prohibits concealed handguns in certain park areas.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on November 23, 2011.

- 2. Fifth Amendment to Tower Lease with AT&T Wireless for City's Tower Located at Public Services Facility **(Exhibit XIII.A.2.)**

AT&T Wireless wishes to extend the current lease agreement for antenna space on the guyed-wire tower located at the Public Services Facility. The original tower lease with AT&T began in 1996. AT&T Wireless approached the City to extend the lease and requested a reduction in rent, which the City refused. They then requested an extension to the current agreement (expires in 2014) that would continue at the same rate (no increase). The new amendment will allow AT&T to continue leasing tower space for two (2) additional five (5) year extension terms upon expiration of the current lease terms. This would guarantee income at the current rate until 2019. Staff recommends approval.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on November 23, 2011.

B. Departmental Reports:

1. Appointments to Boards and Commissions

COMMUNITY RELATIONS COUNCIL
(Terms Expiring 6-30; 3-Year Terms)

African-American Vacant since 8-10
(Council Member to nominate)

Caucasian Vacant since 2-11
(Council Member to nominate)

Other Minority Vacant since 9-11
(Council Member to nominate)

HICKORY REGIONAL PLANNING COMMISSION
(Terms Expiring 6-30; 3-Year Terms with Unlimited Appointments)

Brookford (Mayor to nominate) Vacant since 6-06

PUBLIC ART COMMISSION
(Terms Expiring 6-30; 3-Year Terms)

Ward 2 (Bruce Meisner to nominate) Vacant since 6-10

Ward 4 (Hank Guess to nominate) Vacant since 7-11

RECYCLING ADVISORY BOARD
(3-Year Terms)

At-Large (Mayor to nominate) Vacant since 5-10

WESTERN PIEDMONT COUNCIL OF GOVERNMENTS POLICY BOARD

Nominate Delegate and Alternate

Alderman Meisner is current Delegate
Alderman Patton is current Alternate

XIV. Presentation of Petitions and Requests

XV. Recognition of Persons Requesting To Be Heard

XVI. Matters Not On Agenda (requires majority vote of Council to consider)

XVII. General Comments By Members of Council, City Manager or City Attorney of a Non-Business Nature

XVIII. Closed Session Per NC General Statutes 143-318.11(a)(1)(5) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

A. Approval of Closed Session Minutes of November 15, 2011 – NCGS §143-318.11(a)(1)

B. Discussion Regarding Potential Acquisition of Real Property – NCGS §143-318.11(a)(5)

XIX. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
TDD Phone Line (hearing impaired) – 323-8786 or 328-5551**